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8 Attorneys for Petitioner Ruben P. Perez

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA
11

12 RUBEN P. PEREZ,
13 Petitioner,
14 v.
15 JO GENTRY, et al.,
16 Respondents.

Case No. 2:16-cv-00830-RFB-GWF

**UNOPPOSED MOTION FOR
EXTENSION OF TIME IN WHICH TO
FILE OPPOSITION TO THE
RESPONDENTS' MOTION TO
DISMISS**

(First Request)

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19 Petitioner Ruben P. Perez respectfully moves this Court for an extension of
20 time of sixty (60) days, from February 26, 2018, to and including April 27, 2018, in
21 which to file an opposition to the respondents' motion to dismiss.
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POINTS AND AUTHORITIES

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2 1. Mr. Perez filed a counseled amended petition for a writ of habeas corpus
3 in this Court on February 10, 2017. ECF No. 12. The respondents filed a motion to
4 dismiss on February 12, 2018. ECF No. 26. Mr. Perez's opposition to the motion to
5 dismiss is due on February 26, 2018.

6 2. Undersigned counsel has been diligently working to prepare Mr. Perez's
7 opposition to the respondents' motion to dismiss. However, counsel respectfully
8 suggests that additional time is necessary in order to properly prepare the opposition.

9 3. The respondents' motion to dismiss argues that Mr. Perez filed his pro
10 se federal petition almost sixteen years after the expiration of the statute of
11 limitations for federal habeas petitions. ECF No. 26 at 5. In order to respond to that
12 argument, undersigned counsel intends to conduct additional factual development
13 that may require additional time.

14 4. Undersigned counsel previously requested that counsel for the
15 respondents provide various records from the Nevada Department of Corrections that
16 have potential relevance to Mr. Perez's opposition. While counsel for the respondents
17 previously turned over some of those documents, undersigned counsel requested on
18 February 23, 2018, that counsel for the respondents turn over additional documents
19 with potential relevance to Mr. Perez's opposition. Counsel for the respondents
20 agreed to do so but, on information and belief, has not yet had a reasonable
21 opportunity to begin assembling those documents.

22 5. Undersigned counsel spoke with Mr. Perez at length regarding the
23 opposition on or about February 21, 2018. Additional conversations with Mr. Perez
24 will likely prove necessary in order to properly prepare the opposition.

25 6. In recent months, undersigned counsel has been assigned as lead
26 counsel to multiple new cases in which the client has or may have time remaining on

1 the federal statute of limitations. Given the hard-and-fast nature of the Section
2 2244(d) deadline, and the ramifications of failing to file a thorough amended petition
3 within the applicable statute of limitations, undersigned counsel has been prioritizing
4 the review of those new cases in recent weeks.

5 7. Undersigned counsel has had many professional obligations in recent
6 weeks, including, among others, motions for leave to conduct discovery and for an
7 evidentiary hearing filed on January 17, 2018, in *Sawyer v. Baker*, Case No. 3:16-cv-
8 00627-MMD-WGC (D. Nev.); a motion for leave to conduct discovery filed on January
9 17, 2018, in *Howard v. Wickham*, Case No. 3:16-cv-00665-HDM-VPC (D. Nev.); an
10 opposition to a motion to dismiss filed on January 22, 2018, in *Matlean v. Williams*,
11 Case No. 3:16-cv-00233-HDM-VPC (D. Nev.); a petition for a writ of habeas corpus,
12 along with a petition for genetic marker analysis, filed on February 15, 2018, in
13 *Castillo v. Baker, et al.*, Case No. CR05-0560 (Nev. Second Judicial Dist. Ct.), and a
14 deposition conducted on February 22, 2018, along with various other obligations in
15 connection with discovery authorized by the Court, in *Slaughter v. Baker*, Case No.
16 3:16-cv-00721-RCJ-WGC (D. Nev.).

17 8. Undersigned counsel has many additional professional obligations in
18 the coming weeks, including, among others, a reply brief due on March 2, 2018, in
19 *LaPena v. Grigas*, Case No. 15-16154 (9th Cir.); an oral argument scheduled on March
20 12, 2018, in *Gutierrez v. State*, Case No. 16-15704 (9th Cir.); an amended petition
21 due on March 14, 2018, in *Patterson v. State*, Case No. 2:17-cv-02131-JCM-GWF (D.
22 Nev.); a reply in support of a petition due on March 20, 2018, in *Gonzalez v. Williams*,
23 Case No. 2:15-cv-00618-RFB-CWH (D. Nev.); an opening brief due on March 21, 2018,
24 in *Mercado v. State*, Case No. 74513 (Nev.); an opening brief due on March 30, 2018,
25 in *Banuelos v. Smith*, Case No. 17-164889 (9th Cir.); and an amended petition due on
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1 April 2, 2018, in *Guzman v. Attorney General*, Case No. 3:17-cv-00515-HDM-VPC (D.
2 Nev.).

3 9. Therefore, undersigned counsel seeks an additional sixty (60) days, up
4 to and including April 27, 2018, in which to file the opposition to the respondents'
5 motion to dismiss. This is undersigned counsel's first request for an extension of time
6 in which to file Mr. Perez's opposition.

7 10. On February 23, 2018, undersigned counsel contacted Deputy Attorney
8 General Natasha M. Gebrael and informed her of this request for an extension of
9 time. As a matter of professional courtesy, Ms. Gebrael had no objection to the
10 request. Ms. Gebrael's lack of objection should not be considered as a waiver of any
11 procedural defenses or statute of limitations challenges, or construed as agreeing
12 with the accuracy of the representations in this motion.

13 11. This motion is not filed for the purpose of delay, but in the interests of
14 justice, as well as in the interest of Mr. Perez. Counsel for Mr. Perez respectfully
15 requests that this Court grant this motion and order Mr. Perez to file the opposition
16 to the respondents' motion to dismiss no later than April 27, 2018.

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1 DATED this 26th day of February, 2018.

2 Respectfully submitted,
3 RENE L. VALLADARES
4 Federal Public Defender

5 /s/Jeremy C. Baron
6 JEREMY C. BARON
7 Assistant Federal Public Defender

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9 IT IS SO ORDERED:

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11 RICHARD F. BOULWARE, II
12 United States District Judge

13 DATED this 28th day of February, 2018.
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Participants in the case who are registered CM/ECF users will be served by the CM/ECF system and include: Natasha M. Gebrael.

Ruben P. Perez
 No. 61761
 Southern Desert Correctional Center
 PO Box 208
 Indian Springs, NV 89070

/s/ Jessica Pillsbury
An Employee of the
Federal Public Defender